

## **REMARKS**

Claims 1-17 are now pending in the application. Claims 1, 11, and 15-17 are currently amended. No claims have been added or cancelled. Support for the foregoing amendment can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **SPECIFICATION**

The specification stands objected to for certain informalities. Applicants have amended the specification according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of this objection are respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 17 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Applicant has amended claim 17 according to the Examiner's suggestions. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

Claim 8 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

Applicant submits one of ordinary skill in the art would appreciate the ordinary meaning of the verb "thin" in the relevant context. Merriam-Webster's Collegiate Dictionary, 10<sup>th</sup> Edition (at p. 1225), defines "thin," in the relevant context as, "to reduce

in number or bulk.” Based on this definition, it is clear that “thinning the parameters” means causing the parameters to become fewer in number. Paragraph [0152] of the specification originally filed is related to “thinning the parameters.”

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-5, 7, 8, 11-13 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Oda (U.S. Pat. No. 6,542,624). This rejection is respectfully traversed.

Claim 1 recites “generating a pupil opening degree index from the obtained pupil opening degrees and indexing the obtained feature data using the pupil opening degree index as keys for retrieving in an iris database” and “generating a key of the pupil opening degree index based on the obtained pupil opening degree; and using the key to obtain feature data to be collated from data registered for the registrant in the iris database.” Applicant submits that Oda fails to teach or suggest the above limitations.

Oda’s system merely appears to show detecting biogenic response associated with an iris image to determine whether or not the iris image is from a living eye. One of the biogenic response is “contraction of pupil diameter”. Even if the “contraction of pupil diameter” of Oda can be considered as analogous to the claimed “pupil opening index” as asserted by the Examiner, Oda fails to teach or suggest using the “contraction of pupil diameter” to index other features of iris images.

In the second paragraph on page 16 of the Office Action, the Examiner states that the features upon which applicant relies are not recited in the rejected claim(s). Applicant has specifically explained the reason that claim 1 using “pupil opening

degree index” is entirely different from the basic operation of an iris database. Thus, the Examiner’s statement has been adequately addressed.

On page 17 of the Office Action, lines 1-2, the Examiner states that “the pupil opening degree index is one of the various biogenic responses.” Applicant submits that the claimed “pupil opening degree index” differs from the various biogenic responses of Oda. The various biogenic responses of Oda are merely data representing some characteristics extracted from an iris image and are not associate any indexing functions or processes. Applicant submits that one of ordinary skill in the art would not interpret the claimed “index” as analogous to the various biogenic responses of Oda.

Claim 1 further recites “generating a key of the pupil opening degree index according to the obtained pupil opening degree; and using the key through the pupil opening degree index to obtain feature data to be collated from data registered for the registrant in the iris database.”

The Examiner appears to assert at page 17 of the Office Action, lines 10-11, that Oda teaches using biogenic responses as keys to retrieve iris codes from a database. The Examiner states that “where the system using various key (biogenic responses, which includes contraction of pupil diameter).” Applicant has studied Oda carefully but can find no mention of this alleged feature. Applicant respectfully requests the Examiner point out where in Oda such a feature is disclosed.

Further, Applicant submits that the claimed “key” is from an index used for indexing the obtained feature data of the iris images and thus cannot be anticipated by

basic operations of database as alleged by the Examiner at page 5 of the Office Action.

In view of the foregoing, Applicant submits that claim 1 and its dependent claims 2-10 define over the art cited by the Examiner. Independent claims 11 and 15-17 each recite one or more features similar to one or more of the distinguishing features of claim 1. Thus, independent claim 11 and its dependent claims 12-14, as well as independent claims 15-17, define over the art cited by the Examiner for one or more of the reasons set forth above regarding claim 1.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Flom et al. (U.S. Pat. No. 4,641,349).

Claims 9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishida (U.S. Pat. No. 6,424,746).

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki (U.S. Pat. No. 6,614,919).

These rejections are respectfully traversed.

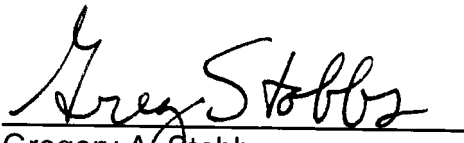
Applicant submits that the arguments presented above regarding claim 1 apply here equally. Further, Flom, Nishida, and Suzuki appear silent about the distinguishing features of claim 1. Thus, Applicant submits that the rejected claims define over the art cited by the Examiner.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: November 5, 2008

By   
Gregory A. Stobbs  
Reg. No. 28,764

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

GAS/PFD/dec